

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

In re:

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TOM HARRYMAN

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Case No. 09-32129-RAG

ANNA HARRYMAN

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Debtors

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(Chapter 13)

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MOTION TO DISMISS CASE BECAUSE OF
FAILURE TO QUALIFY FOR RELIEF UNDER CHAPTER 13

Ellen W. Cosby, Chapter 13 Trustee, files this motion to dismiss case and states as follows:

1. In the Chapter 13 Schedules, the Debtor has scheduled noncontingent, liquidated secured debts totaling \$1,041,471.19.

2. Noncontingent, liquidated secured debt in this case exceeds the \$1,010,650 limit set forth in 11 U.S.C. §109(e) which determines an individual's qualification for relief under Chapter 13.

WHEREFORE, the Trustee requests that this Court dismiss this Chapter 13 case because of the Debtor's failure to qualify for relief under Chapter 13, and grant such other and further relief as may be just.

Dated: December 21, 2009

/s/ Ellen W. Cosby

Ellen W. Cosby
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Baltimore, MD 21284-0016
(410) 825-5923
inquiries@ch13balt.com
Chapter 13 Trustee

TO THE DEBTOR: TAKE NOTICE THAT, UNLESS YOU FILE A RESPONSE IN WRITING WHICH JUSTIFIES OR EXPLAINS THE ALLEGATIONS IN THIS MOTION WITHIN 20 DAYS OF THE DATE IN THE CERTIFICATE OF SERVICE BELOW, THIS CASE MAY BE DISMISSED WITHOUT FURTHER NOTICE. THE RESPONSE MUST BE FILED WITH THE BANKRUPTCY COURT, WITH A COPY SERVED ON THE TRUSTEE.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 21, 2009, copies of the foregoing motion were transmitted electronically via ECF to MARC OMINSKY ESQUIRE and mailed by first-class mail to the Debtors.

Tom and Anna Harryman
1631 Carnoustie Drive
Pasadena, MD 21122

/s/ Ellen W. Cosby
Ellen W. Cosby